

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
(AT DAYTON)

UNITED STATES OF AMERICA,

PLAINTIFF,

vs.

3M COMPANY, *et al.*,

DEFENDANTS.

Case No. 3:14-cv-00032WHR
Judge Walter H. Rice

UNOPPOSED MOTION TO ENTER CONSENT DECREE

Plaintiff, the United States of America, respectfully moves to enter the proposed Consent Decree lodged on January 31, 2014 (Doc. # 2-1). The proposed settlement would resolve the allegations set forth in the Complaint filed on the same date against the Defendants. In the Complaint, the United States alleges that the Defendants are liable parties under Sections 106, 107, and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601-75, and seeks injunctive relief for the implementation of the first of two anticipated remedial actions and recovery of response costs incurred and to be incurred by the United States at the Lammers Barrel Superfund Site (the “Site”) in Beavercreek, Ohio. In addition, the Consent Decree resolves the parties’ potential claims and counterclaims against two federal agencies, the Department of the Army and the Department of the Air Force (the “Settling Federal Agencies”) in connection with the Site.

After publishing notice of the Consent Decree in the Federal Register and soliciting written public comments for a 30-day period and receiving none, the United States respectfully requests that this Court enter the proposed Consent Decree because it is fair, reasonable, and consistent with the purposes of CERCLA. As set forth in ¶ 112 of the Consent Decree, the Defendants consent to the entry of the Decree.

For the reasons set forth in the accompanying Memorandum in Support of Unopposed Motion to Enter Consent Decree, the United States respectfully submits that the proposed settlement is fair, reasonable, and consistent with the goals of CERCLA, and, therefore, requests that the Court sign and enter the proposed Consent Decree (Doc. # 2-1 through 2-9) as an Order of the Court.

Respectfully submitted this the 11th day of April, 2014.

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